

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
)
v.) No. 1:20-CR-251
)
)
ARTHUR PENN) Hon. T. S. Ellis, III
)
)
Defendant.)

GOVERNMENT'S UNOPPOSED MOTION TO CONTINUE SENTENCING

The United States of America, by and through undersigned counsel, hereby respectfully requests that the Court continue the sentencing hearing in this matter, currently scheduled for Friday, November 19, 2021, until such time as lead counsel's health can permit him to participate at sentencing in person. In support of its motion, the government states as follows:

On Tuesday, November 9, 2021, undersigned counsel tested positive for COVID-19. Counsel currently is quarantining at home, consistent with CDC and DOJ guidelines. Although undersigned counsel hopes that he is through the worst of the symptoms, he will not be permitted to return to work or enter the Courthouse until November 23, 2021, at the absolute earliest, as that is 14 days after his positive COVID-19 test. *See* E.D.Va. Gen'l Ord. 2021-13 at 4 ("Anyone with a positive COVID-19 test result will not be permitted to enter our Courthouse and Court facilities for fourteen (14) days after the test was administered, unless a shorter period is approved on a case-by-case basis by the Chief Judge or Senior Active Judge.") If undersigned counsel's symptoms continue to improve, he anticipates being re-tested later this week, but obviously will not know the results of any future tests until they are administered and reported.

The government respectfully requests that this Court postpone the sentencing hearing for defendant Penn until a date that would allow undersigned counsel to participate safely in person. Counsel believes that any continuance of longer than two weeks should be sufficient to allow him to recover and no longer be contagious. The government has consulted with counsel for defendant, who does not object to this request. Moreover, the parties have consulted and respectfully submit that if this Court were inclined to grant the government's motion, counsel for both parties would be available for sentencing on Friday, December 10, 2021, and Friday, January 14, 2022.

Respectfully Submitted,

Jessica D. Aber
United States Attorney

By: /s/ Matthew Burke
Matthew Burke
Christopher J. Hood
Assistant United States Attorneys
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Alexandria, VA 22314

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2021, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

/s/ Matthew Burke
Matthew Burke
Assistant United States Attorney